

Certificate of Mailing or Transmission

I, the undersigned, hereby certify that this correspondence along with other possible documents has been electronically transmitted to the USPTO through its own EFS filing system on February 16, 2010.

Typed Name: Kevin B. McCarthy
Date: February 16, 2010

Patent 0-05-165/16015/US/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Fishler
Serial no.: 10/552,377
371(c) Filing date: August 15, 2006
IA Filing date: April 8, 2004
Title: SOLID BIOCIDES FORMULATIONS
Examiner: Sarah Pihonak
Art Unit: 1627
Confirmation: 9287

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

After-Final Response and Amendment

This response is in reply to the office action mailed on December 18, 2009.

Claim Amendments

Please amend claims as shown on the attached marked-up pages.

The critical feature of the instant biocidal composition, namely its fire retardancy, has been added to still better distinguish the instant invention from prior art; the support is in paragraph 0013 of the publication of the instant application. Non-comburancy according to the UN test is supported in par. 0006.

The wording "mixture" has been amended back to "composition" to conform it better with the dependent claims.

The amended wording further emphasizes the inorganic character of the flammability-modifying components.

Claim 6 has been canceled. A typographical error has been corrected in claim 11.

Rejections under 35 U.S.C. § 103

The Examiner rejects claims 1-6 and 9-20 under 35 U.S.C. 103(a) as being unpatentable over Olson, US 4,731,195, in view of Jones et al., US 5,478,482.

The Examiner's rejections are traversed as explained below.

The Examiner acknowledges that "*Olson does not explicitly teach that a mixture of borates and silicates are used*" as an admixture (line 15 on page 5 of the Examiner's letter), and that "*Olson does not explicitly teach that the inorganic component coating forms a low melting glass over the active biocide*" (lines 4-5 on page 6). Further, the